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OFFICE OF PETITIONS

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|------------------------------|---|----------------------|
| In re Application of | : | |
| Martin Li et al | : | |
| Application No. 09/964,158 | : | DECISION ON PETITION |
| Filed: September 26, 2001 | : | |
| Attorney Docket No. TI-33430 | : | |

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 29, 2005, to revive the above-identified application.

The petition is **GRANTED**.


The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 16, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 17, 2005. A Notice of Abandonment was mailed on December 14, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,500, and (3) an adequate statement of unintentional delay. Accordingly, the reply to the non-final Office action of May 16, 2005 is accepted as being unintentionally delayed.

The rule at 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This application is being referred to Technology Center AU 2667 for appropriate action by the Examiner in the normal course of business on the reply received December 29, 2005.


Frances Hicks
Petitions Examiner
Office of Petitions